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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 MAR 11 AM 10:43

UNITED STATES OF AMERICA,

Plaintiff,

v.

Mario AVILA-Vega

Defendant.

Magistrate Case No.

'08 MJ 0771

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about, **November 27, 2007**, within the Southern District of California, defendant, **Mario AVILA-Vega**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

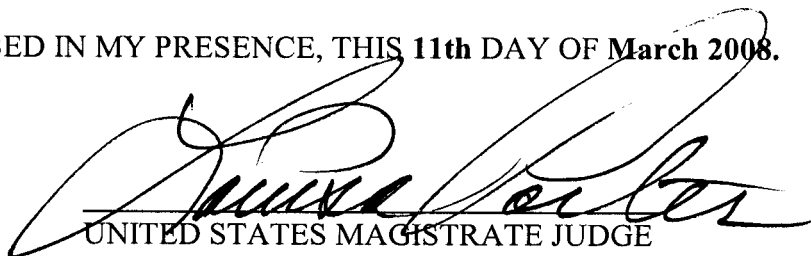


SIGNATURE OF COMPLAINANT

Deportation Officer

Immigration &amp; Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **March 2008**.



UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****NAME: AVILA-Vega, Mario****PROBABLE CAUSE STATEMENT**

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On November 27, 2007, the defendant identified as Mario AVILA-Vega was arrested in Chula Vista, California by the Chula Vista Police Department for violation of 273.5(A) PC "INFLICT CORPORAL INJURY: SPOUSE/COHAB" and booked into George Bailey Detention Facility. On November 27, 2007, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On Monday, March 10, 2008, at approximately 10:30 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer John Mleczo reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about July 18, 2005 and physically removed to Mexico on or about July 18, 2005 via the Nogales Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Mario AVILA-Vega, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

All information indicates that the defendant is a citizen of Mexico, was ordered removed to Mexico and has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Mario AVILA-Vega has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.